IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15275 of 2004

Between:

1 K. Ganapathi, S/o. Late K. Narayana,
R/o. Ashok Nagar Locality, Adilabad District.
2 K. Raghuram, S/o. Late K. Narayana,
R/o. Bellampally Town, Adilabad District.
3 K. Venkataramana, S/o. Late K. Narayana,
R/o. Ashok Nagar Locality, Adilabad District.
4 T. Ashok, S/o. Chandraiah,
R/o. Coltex, Bellampally, Adilabad District.
5 Suryadevara Seetharamaiah, S/o. Venkatadri,
R/o. Housing Board Colony, Bellampally, Adilabad District.
6 Allemuddin, S/o. Md. Allaudddin,
R/o. Ashok Nagar Locality,Bellampally, Adilabad District.
7 Ramgiri Srinivas, S/o Bhikshapathy,
R/o. Ashok Nagar Locality,Bellampally, Adilabad District.
8 M. Ravi Kumar, S/o. Muneshwar,
R/o. Ashok Nagar Locality,Bellampally, Adilabad District.
9 Jagannath Ramkishan, S/o. Ratanlal Agarwal,
R/o. Ashok Nagar Locality,Bellampally, Adilabad District.
10 G. Aasheerwadham, S/o. G.A. Franklin,
R/o. Ashok Nagar Locality,Bellampally, Adilabad District.

..... PETITIONERS

AND

1 The Commissioner, Town Municipality, Bellampally Mandal,
Bellampally, Adilabad District.
2 The Superintendent Engineer, Public Helath and Municipal
Engineering Department, Public Health Circle, Warangal District.
3 The Executive Engineer, R & B Department,
Mancherial, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction or issue an appropriate writ, more particularly one in the nature of Writ of Mandamus (A) Directing the respondents herein not to demolish the following mulgies of the petitioners herein for widening the road from coltex to S.C.Co., Limited, General Manager Office road existing 40' feet to proposed 80' feet situated at Bellampally Town, Mandal Bellampally, Adilabad District, without due process of law; 1. K.. Ganapathy Mulgi Nos (a) 26-1-22/1; (b) 26-1-29, (c) 26-1-32. 2. K. Raghuram Mulgi Nos (a) 26-1-29/1; (b) 26-1-31, (c) 26-1-68/1 3. K. Venkataramana Mulgi Nos (a) 26-1-30; (b) 26-1-29/2, (c) 26-1-22/3 Undevided Property of Petitioner No.1 to 3 of their late father Sri K. Narayana. (a) 26-1-36 (b) 26-1-21 (c) 28-1-62 4. T. Ashok Mulgi No. (a) 28-1-67 5. S. Seetharamaiah Mulgi No. (a) 28-1-65 6. Aleemuddin Mulgi No. (a) 19-2-42 7. Ramgiri Srinivas Mulgi No. (a) 19-2-43 8. M. Ravi Kumar Mulgi No. (a) 19-2-44 9. Jagannath Ramkishan (a) 19-2-47 (b) 19-2-37. 10. Aasheerwadham Mulgi No. (a) 19-2-54 Property of his Late father G. A. Franklin. All mulgies are situated at contex area, and Ashok Nagar area, Ward No. 26 and 28 of Bellampally Town, district Adilabad. (B) Declare the above said proposed acquisition of proeprty of the petitioners herein is illegal, arbitrary, and violative of Article 21, 300-A of the Constitution of India, and against the mandatory provisions of L.A. Act and Section 172 and 174 of A.P. Municipality Act 1965;

Counsel for the Petitioners: MR.S.CHANDRASEKHAR

Counsel for the Respondent No.1: MR.THIMMA REDDY

Counsel for the Respondent Nos.2&3: G.P. for Roads and Buildings

The Court made the following ORDER :

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

The learned counsel for the respondents submits that in view of the order passed by this Court in W.P.No.3607 of 2004, dated 26-02-2004, road widening programme has not yet been taken up and they are following due procedure before taking up road widening programme.

Petitioners, who are claiming to be the owners of mulgies, which are likely to be affected by the widening of the road, stated that they agreed to give some extent of land, which is required for road widening process and they requested the respondents to acquire the same by following the due process of law under the A.P. Municipalities Act, 1965 or under the Land Acquisition Act and further requested for payment of necessary compensation. The grievance of the petitioners is that the respondents without following the due process of law, are making arrangements for demolishing the mulgies. Hence, the present writ petition.

This Court disposed of W.P.No.3607 of 2004 on 26.02.2004 holding that the respondent – authorities cannot dispossess the persons who are in occupation of

the land, as the authorities are under obligation to follow the procedure contemplated under Sections 172 and 174 of the A.P. Municipalities Act, 1965 and without following the procedure contemplated under the Act, the occupants cannot be dispossessed from their respective premises.

Following the same, this writ petition is also disposed of. No costs.

_____

A.Gopal Reddy, J

Date: 26.08.2004

va

To

1 The Commissioner, Town Municipality, Bellampally Mandal, Bellampally, Adilabad District.
2 The Superintendent Engineer, Public Helath and Municipal Engineering Department, Public Health Circle, Warangal District.
3 The Executive Engineer, R & B Department, Mancherial, Adilabad District.

4 Two CCs to G.P.for Roads and Buildings, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies